

## AMENDMENT

### **In the claims:**

Please amend the claims as follows:

1. (Original) An isolated nucleic acid molecule comprising a nucleotide sequence that comprises at least 24 contiguous nucleotides from SEQ ID NO:1.

2. (Cancelled)

3. (Original) An isolated nucleic acid molecule according to Claim 1, wherein said molecule is a cDNA.

4. (Original) An isolated nucleic acid molecule comprising a nucleotide sequence that encodes the amino acid sequence drawn from the group consisting of SEQ ID NO:2 and SEQ ID NO:4.

5. (Currently Amended) A isolated expression vector comprising ~~the nucleotide sequence drawn from the group consisting of SEQ ID NO:1 and SEQ ID NO:3~~ a nucleotide sequence that encodes the amino acid sequence drawn from the group consisting of SEQ ID NO:2 and SEQ ID NO:4.

6. (New) The isolated nucleic acid molecule of claim 4, wherein said nucleotide sequence encodes the amino acid sequence of SEQ ID NO:2.

7. (New) The isolated nucleic acid molecule of claim 6, wherein said nucleotide sequence comprises the nucleotide sequence of SEQ ID NO:1

8. (New) The isolated nucleic acid molecule of claim 4, wherein said nucleotide sequence encodes the amino acid sequence of SEQ ID NO:4.

9. (New) The isolated nucleic acid molecule of claim 8, wherein said nucleotide sequence

comprises the nucleotide sequence of SEQ ID NO:3.

10. (New) The isolated expression vector of claim 5, wherein said nucleotide sequence encodes the amino acid sequence of SEQ ID NO:2.

11. (New) The isolated expression vector of claim 10, wherein said nucleotide sequence comprises the nucleotide sequence of SEQ ID NO:1.

12. (New) The isolated expression vector of claim 5, wherein said nucleotide sequence encodes the amino acid sequence of SEQ ID NO:4.

13. (New) The isolated expression vector of claim 12, wherein said expression vector comprises the nucleotide sequence of SEQ ID NO:3.

14. (New) A host cell comprising an expression vector comprising a nucleotide sequence that encodes the amino acid sequence drawn from the group consisting of SEQ ID NO:2 and SEQ ID NO:4.

15. (New) The host cell of claim 14, wherein said wherein said nucleotide sequence encodes the amino acid sequence of SEQ ID NO:2.

16. (New) The host cell of claim 15, wherein said nucleotide sequence comprises the nucleotide sequence of SEQ ID NO:1.

17. (New) The host cell of claim 14, wherein said wherein said nucleotide sequence encodes the amino acid sequence of SEQ ID NO:4.

18. (New) The host cell of claim 17, wherein said nucleotide sequence comprises the nucleotide sequence of SEQ ID NO:3.

## **RESPONSE**

### **I. Restriction Requirement**

The Examiner has determined that the original claims are directed to two separate and distinct inventions under 35 U.S.C. § 121, as follows:

- Group I: Claims 1-5, said to be drawn to a nucleic acid of SEQ ID NO:1, encoding SEQ ID NO:2, classified in class 536, subclass 23.5; and
- Group II: Claims 4 and 5, said to be drawn to a nucleic acid of SEQ ID NO:3, encoding the amino acid of SEQ ID NO:4, classified in class 435, subclass 69.1.

### **II. Response to Restriction Requirement**

Applicants submit that the Group I and II inventions should be put together into a single group, since the nucleotide sequence of SEQ ID NO:3 is a fragment of the nucleotide sequence of SEQ ID NO:1, and thus the amino acid sequence of SEQ ID NO:4 is a fragment of the amino acid sequence of SEQ ID NO:2. No additional search burden is required to search SEQ ID NO:1 and SEQ ID NO:3, since a search of the longest sequence (SEQ ID NO:1, which encodes SEQ ID NO:2), corresponding to the Group I invention, will necessarily also search the shorter sequence (SEQ ID NO:3, which encodes SEQ ID NO:4), corresponding to the Group II invention.

Therefore, in response to the Requirement, Applicants hereby traverse the Restriction Requirement with regard to the Group I and II inventions. However, solely in order to comply with the provisions of 37 C.F.R. § 1.143, Applicants provisionally elect to prosecute the claims of the Group II invention (claims 4 and 5), drawn to a nucleic acid of SEQ ID NO:3, encoding the amino acid of SEQ ID NO:4, classified in class 435, subclass 69.1.

Applicants reserve the right to refile claims to the non-elected invention in one or more future applications retaining the priority date of the present case and the earlier cited priority applications.

### **III. Status of the Claims**

Claim 2 has been cancelled without prejudice and without disclaimer. Claim 5 has been amended. New claims 6-18 have been added.

Claims 1 and 3-18 are therefore presently pending in the case.

#### IV. Support for the Amended and Newly Added Claims

Claim 5 has been amended to recite an isolated expression vector comprising a nucleotide sequence that encodes the amino acid sequence drawn from the group consisting of SEQ ID NO:2 and SEQ ID NO:4. Support for this claim can be found throughout the specification as originally filed, with particular support being found at least at page 19, lines 15-22 and in original claim 4.

Claims 6-9 have been added to specifically recite alternate embodiments of original claim 4. Support for these claims can be found throughout the specification as originally filed, with particular support being found at least in original claim 4.

Claim 10-13 have been added to specifically recite alternate embodiments of claim 5. Support for these claims can be found throughout the specification as originally filed, with particular support being found at least at page 19, lines 15-22 and in original claims 4 and 5.

Claims 14-18 have been added to specifically recite host cells comprising the expression vector of claim 5. Support for these claims can be found throughout the specification as originally filed, with particular support being found at least at page 19, lines 23-29.

It will be understood that no new matter is included within the amended or newly added claims.

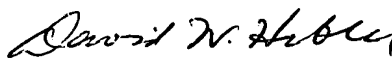
#### V. Conclusion

The present document is a complete response to the Restriction Requirement. Applicants believe that the claims of the instant application meet all of the conditions for patentability and are in condition for allowance. Accordingly, an early indication of the same is respectfully requested. Should Examiner Murphy have any questions or comments, or believe that certain amendments of the claims might serve to improve their clarity, a telephone call to the undersigned Applicants' representative is earnestly solicited.

Respectfully submitted,

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Date



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